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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re: WAKIN AND CECILIA DAVENPORT

Case No. 09-46883-D-13L
DC No. MOH-1

DEBTOR(S)

DATE: FEBRUARY 23, 2010
TIME: 1:00 PM
COURTROOM: 34
JUDGE BARDWIL

DEBTORS' MOTION TO VALUE COLLAT-
ERAL OF JIM TOTH

Debtors Wakin and Cecilia Davenport respectfully request a determination that the value of their residence at 2655 Cactus Avenue in Chico, California \$270,000.00 and that their second mortgage debt to Jim Toth in the approximate amount of \$40,800.00 is accordingly unsecured by reason of the fact that \$282,997.00 is owed to American Home Mortgage Service, the holder of the first mortgage. The grounds for relief are as follows:

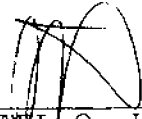
1) An appraisal of the property was performed by Robert E. Johnson on 10/20/09. Mr. Johnson is a licensed real estate appraiser who determined the value of the property to be \$270,000.00. A copy of the appraisal will be filed as an Exhibit A in support of this motion, and is hereby incorporated by reference. As of this date no Proof of Claim has been filed by American Home Mortgage Service but their mortgage statement of 10/31/09 shows a balance owing of \$282,997.25.

1 A copy of the mortgage statement will be filed with the Court as EXHIBIT
2 B and is hereby incorporated by reference. These two documents
3 establish that the approximate \$40,800.00 second mortgage debt owed to
4 Jim Toth is unsecured as there is insufficient collateral to support the
5 obligation.
6

7 2) Based on the foregoing and the documents filed with the Court
8 Debtors respectfully request that their residence be determined to have
9 a value of \$270,000.00 and that the second mortgage debt owed to Jim
10 Toth in the approximate amount of \$40,800.00 be treated in Debtors' plan
11 as an unsecured claim, if a claim is filed.

12 Respectfully submitted,

13 Date: 1/19/10

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15 MICHAEL O. HAYS
16 Attorney for Debtors
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